

REMARKS

In the Office Action of February 26, 2004, the Examiner has elected to reopen prosecution of the instant application. In response, the Applicant has chosen to reply to the Office Action under 37 C.F.R. § 1.111.

Claims 7-13 and 16-19 are allowed, but the Examiner has rejected claims 1-6 under 35 U.S.C. § 103 and § 112. Moreover, the Examiner has objected to the drawings, specifically, Fig. 5. As discussed hereinbelow, the Applicant disagrees with the Examiner's rejections based on 35 U.S.C. § 103, and the Applicant has modified claim 1 to overcome the rejection based on 35 U.S.C. § 112 and to obviate the need to modify Fig. 5 of the drawings.

Turning now to the rejection based on 35 U.S.C. § 112, the Applicant has amended claim 1 to remove reference to the shape of the wheel body during normal use. In place of "normal use," the Applicant has amended claim 1 to indicate that the wheel body has "a hardness such that, when used on a work surface, the shape of said wheel body remains substantially unchanged." This amendment to claim 1 is supported by p. 9, ll. 20-22, of the instant application, which indicates that "the material used for wheel body 142 should be of high hardness and wear resistant so that the structural integrity of wheel body 142 is maintained over a substantial period of use."

To be consistent with these changes to claim 1, claim 7 has also been amended to remove reference of the shape of the wheel body during normal use. Like claim 1, claim 7 now claims that the wheel body has "a hardness such that, when used on a work surface, the shape of said wheel body remains substantially unchanged."

Furthermore, to overcome the Examiner's objection to Fig. 5, the Applicant has further amended claim 1. Rather than claiming that the width of contact of the wheel body "and a work surface upon which the creeper is placed is from about 50 to about 75% of the maximum width of said wheel body," claim 1 now claims that the wheel body has "a hemispherical or semi-elliptical cross section." Therefore, because Fig. 5 of the instant application shows wheel body 142 having a hemispherical or semi-elliptical cross section, the drawing objection is deemed moot.

Regarding the substantive rejections under 35 U.S.C. § 103, the Examiner has rejected claims 1-3 as being unpatentable over U.S. Patent No. 5,895,062 (hereinafter “Miles et al.”) and U.S. Patent No. 3,604,756 (hereinafter “Gruber”). Claims 4 and 5 have also been rejected under 35 U.S.C. § 103 as being unpatentable over Miles et al., Gruber, and U.S. Patent No. 4,707,880 (hereinafter “Doyle et al.”). Finally, the Examiner has rejected claim 6 under 35 U.S.C. § 103 as being unpatentable over Miles et al., Gruber, Doyle et al., and U.S. Patent No. 4,034,434 (hereinafter “Block”).

Given the above-discussed amendments to claim 1, the Applicant believes that claim 1 overcomes the rejection based on Miles et al. and Gruber. For example, according to the Examiner, Gruber discloses “a wheel body 10 having a radial surface 22 ... wherein said radial surface makes contact with a work surface on about 50 to 75% of the wheel width.” However, claim 1 now claims a wheel body having “a hemispherical or semi-elliptical cross section.” Gruber does not have a wheel body with such a shape. Instead, Gruber includes a tire (22) having a substantially flat rolling surface. As seen in Fig. 2 of Gruber, the tire (22) includes contoured sidewalls, and the substantially flat rolling surface extends between these contoured sidewalls. Therefore, because the combination of Miles et al. and Gruber does not include a wheel body having a hemispherical or semi-elliptical cross section, amended claim 1 can be patentably distinguished from this combination of references.

In addition, claim 1 has been further amended to include the limitations of claim 6. As such, claim 1 now includes reference to the hardness of the wheel body “ranging from about 65 to 85 on the Shore D durometer hardness type D scale.” As discussed above, claim 6 was rejected based on a combination of Miles, Gruber, Doyle et al. and Block. More specifically, however, claim 6 was rejected in view of these references because Block, according to the Examiner, discloses “a wheel 66 having hardness 65/75 Shore D Durometer.” However, Block does not actually disclose a wheel entirely composed of a material having a hardness of 65/75 Shore D Durometer. Instead, Block discloses a roller segment (42) having an inner core (66) formed from a rigid vinyl material having a Shore D Durometer of 65/75 and an outer

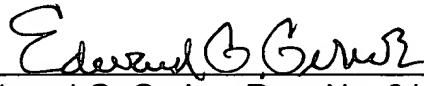
core (64) formed from a softer vinyl material having a Shore A Durometer of 40/50, col. 3, ll. 64-67. Thus, the inner core (66) does not even contact the surface on which the roller segment (42) is placed because it is surrounded by the outer core (64).

According to Block, the outer surface of the outer core (66) is made of a softer material that is in contact with the surface on which the roller segment 42 is placed to increase the frictional contact therebetween, col. 3, ll. 44-47. As such, the combination of Block with the other cited references teaches, if anything, that the material forming the outer surface of a wheel must be relatively soft in order to increase frictional contact with the surface on which the wheel is placed. Therefore, the teachings of the combination of Block with the other cited references are contrary to claim 1 which claims that the wheel body has "a hardness such that, when used on a work surface, the shape of said wheel body remains substantially unchanged." Consequently, claim 1 is deemed allowable over the cited prior art.

In conclusion, the present invention as claimed in amended claim 1 is distinguishable from the cited prior art references. As such, amended claim 1 is deemed allowable and claims 2-5 depending therefrom are deemed allowable due to their dependency. Reconsideration and the issuance of a formal Notice of Allowance of claims 1-5, 7-13, and 16-19 is thus earnestly solicited.

Should any issues remain after this amendment, the undersigned attorney would welcome a telephone call.

Respectfully submitted,


Edward G. Greive, Reg. No. 24,726
Renner, Kenner, Greive, Bobak, Taylor & Weber
Fourth Floor, First National Tower
Akron, Ohio 44308-1456
Telephone: (330) 376-1242

Attorney for Applicant

May 26, 2004